

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q94014

Junko TAKAHASHI, et al.

Appln. No.: 10/573,967

Group Art Unit: 1792

Confirmation No.: 1747

Examiner: Ahmed Shamim

Filed: March 30, 2006

For: METHOD OF CONTROLLING CONTACT ANGLE OF WATER

**PETITION UNDER § 37 C.F.R. § 1.182**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Under the provisions of 37 C.F.R. §1.182, Petitioner hereby petitions the Director to withdraw the Terminal Disclaimer filed on February 12, 2010 from the above-identified application.

The present application was subject to an obviousness-type double patenting rejection over U.S. Application No. 10/574,200 in the Office Action of November 10, 2009. A Terminal Disclaimer was filed on February 12, 2010 in response. A Notice of Allowance and Fees Due was issued for the present application on March 3, 2010.

However, it has come to Petitioner's attention that the present application and U.S. Application No. 10/574,200 have non-identical assignees. That is, the present Application is assigned to DAIKIN INDUSTRIES, LTD. and NATIONAL INSTITUTE OF ADVANCED INDUSTRIAL SCIENCE AND TECHNOLOGY (assignment recorded on March 30, 2006 at

reel and frame 017762/0830), whereas U.S. Application No. 10/574,200 is currently assigned to DAIKIN INDUSTRIES, LTD. (assignment recorded on June 5, 2006 at reel and frame 017966/0173).

Further, a Terminal Disclaimer is not necessary in the present application pursuant to MPEP § 1490(V)(D). Specifically, when two application have the same filing date, the Examiner should determine which application is the “base application” and which application claims the improvements (adds limitations). Once the Examiner determines which application is the base application and which is the “improvement application,” then the Examiner can withdraw the obviousness-type double patenting rejection in the base application and maintain the rejection in the improvement application.

Here, the present application and U.S. Application No. 10/574,200 both have an October 1, 2004 effective U.S. filing date (PCT filing date). Further, the Petitioner respectfully submits that the present application is the base application, because U.S. Application No. 10/574,200 adds limitations on the presently claimed method, such as the recitation of “microchannels,” which are not found in the claims of the present application. Compare independent claim 3 of the present application against independent claim 3 of U.S. Application No. 10/574,200.

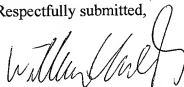
Therefore, the Director is petitioned to withdraw the Terminal Disclaimer filed on February 12, 2010.

Further, the Petitioner respectfully submits that the present application is still allowable, even without the Terminal Disclaimer.

As required by 37 C.F.R. § 1.182, the statutory fee of \$400.00 is being charged to Deposit Account No. 19-4880 via the EFS Web Payment Screen.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: April 16, 2010